



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,078	11/09/1999	DANIEL L. AUCLAIR		7501

27869 7590 02/12/2002

SKJERVEN MORRILL MACPHERSON LLP  
THREE EMBARCADERO CENTER  
28TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

MOISE, EMMANUEL LIONEL

ART UNIT	PAPER NUMBER
----------	--------------

2133

DATE MAILED: 02/12/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/437,078**

Applicant(s)  
**Auclair et al.**

Examiner  
**Emmanuel L. Moise**

Art Unit  
**2133**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 2, 2001

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 37 and 39-45 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 37 and 39-45 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

Art Unit: 2133

***Response to Amendment***

1. This Office action is responsive to applicant's correspondence filed on October 2, 2001.

Claims 37 and 39-45 are pending.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

3. Claims 37 and 39-45 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed subject matter in question is the step of "programming the memory cell until the charge of the memory cell is above the programmed-cell reference level."

Please see Section #3 of the previous Office action.

***Response to Arguments***

4. Applicant basically argues that the step of "programming the memory cell ..." is identified with step 905 of Figure 9 of the present application.

Art Unit: 2133

5. The Examiner continues to disagree. Step 5 of Figure 9 does not provide support for the claimed step of “programming the memory cell until the charge of the memory cell is above the programmed-cell reference level.” In step 901 of Figure 9 of the present application, a first control voltage, which is higher than the voltage for a normal read operation, is applied; and in step 903, a second control voltage, which is lower than a normal read operation, is applied. The cells are read in steps 902 and 904 to see if there is any error as determined by an ECC check. Steps 901-902 and 903-904 are performed to verify that the “1”s and the “0”s, respectively, in the chosen sector of cells are unaffected by the program operation. As can be seen, no step in Figure 9 provides a proper antecedent support for the claimed language of “programming the memory cell until the charge of the memory cell is above the programmed-cell reference level.”

Applicant also refers to Figure 8 described between page 23, line 6 and page 24, line 23, as providing support for the claimed language in question. The Examiner disagrees. Careful review of steps 801-803 of Figure 8 does not lead to the conclusion that Figure 8 provides a proper antecedent support for the step of “programming the memory cell until the charge of the memory cell is above the programmed-cell reference level.” In Figure 8, a check is performed to see if all cells are written correctly under the control of an applied voltage, and if the data are read correctly, a program verify operation is considered to have been successfully. This is different from the claimed language in question.

Art Unit: 2133

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

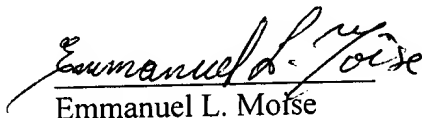
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel L. Moise whose telephone number is (703)305-9763. The examiner can normally be reached on Monday - Friday from 08:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady, can be reached on (703)305-9595. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, or faxed to: (703) 746-7239, (for formal communications intended for entry), Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Art Unit: 2133

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in cursive script, reading "Emmanuel L. Moise".

Emmanuel L. Moise  
Primary Patent Examiner  
Art Unit 2133

February 8, 2002